

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**Angela Carlos,
as Administratrix of the Estate of
Tiombe Kimana Carlos**

Plaintiff : Civil No. 1:15-CV-1994
V. : (Judge Mannion)

York County, et. al.

Defendants

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** the Report and Recommendation of Judge Joseph F. Saporito, Jr. is **adopted in part and not adopted in part**, as follows:

- 1) Summary Judgment is **GRANTED** for all claims set forth in the Amended Complaint pursuant to the Eighth Amendment of the United States Constitution. Those claims are **DISMISSED** with prejudice, as to all defendants.
 - 2) Summary Judgment is additionally **GRANTED** on the remaining claims in Count I as to defendants **Collins, Crist, Doll, Jackson, McNicholas, Nadeau, Neeper, Santos-Heredia, Snyder, Trig, Correctional Officer John Does 1-10 and Medical John Does 1-10**. These claims are **DISMISSED**

with prejudice.

- 3) Summary Judgment is **DENIED** in Count I as to defendants **Rollings-Mazza, Gallagher and Leiphart**.
- 4) **York County's** objection that it is not an appropriate defendant in this action is **overruled**. Judge Saporito's recommendation in this respect is **adopted**.
- 5) Summary Judgment is **GRANTED** as to defendants **York County and PrimeCare** in Count II. Those defendants are **DISMISSED** with prejudice from this count.
- 6) Summary Judgment is **GRANTED** in Count III as to defendants **Snyder and Medical John Does 1-10**. Those defendants are **DISMISSED** with prejudice.
- 7) Summary Judgment is **DENIED** in Count III as to defendants **Gallagher and Leiphart**.
- 8) Summary Judgment on plaintiff's punitive damages claim is **DENIED**, at the present time, as to defendants **Gallagher, Leiphart and Rollings-Mazza**.

s/ *Malachy E. Mannion*
~~MALACHY E. MANNION~~
United States District Judge

Dated: December 9, 2019

15-1994-01-order